FOR MYSORE STATE

~~Food~~ and Agriculture (1950) Department.

Pols. SERIES.

G.O. NO. 6 ~~Food~~ and Agriculture.

Dated 3rd January 1950.

[Despatch Abstract.]

Civil supplies — Paddy and Rice — Transport for personal Consumption — Issue of permits — Declaration by Landholders — Amendments to Go. No. 478 ~~Food~~, Dated 27.5.1948 — Issued

ABSTRACT.

CIVIL SUPPLIES - Paddy and Rice - Transport for personalconsumption - Issue of permits - Declaration by land holders - Amenments to G.O. No. 478, Food, dated 27--5--1948- Issued.

-x-x-x

(e) The applicant under clause (d) may be made to the collector of the district in which the lands are situated or to any other officer authorized by such collector, for registration as a registered private exporter',

(2) in paragraph 3 (i) between the first and second paragraphs of the form of certificates the word 'or' shall be inserted, and

(ii) after the words and line 'of the deceased registered holder, the words 'that I am the purchaser of the land under a registered deed of sale and have duly applied for transfer of registry' shall be inserted.

(3) in paragraph 5 the following shall be added at the end, namely--

'or the purchaser under a registered deed of sale who has duly applied for a transfer of registry'.

(4) in paragraph 8 for the words letters and lines 'I, registered holder No. registered private exporter No. mortgage with possession No. I, member of the undivided family of the registered holder or registeed private exporter No. , the words ' I registered private exporter ,o shall be substituted.

(BY ORDER).

(TRUE COPY)

Sd/- 22.5.57
Superintendent.

vnm.
25-5-

Compared by
G. Shankar 25/5
&
K.V. Ambujalakshmi 25/5

Food Department (d)

NOTE FOR CIRCULATION.

Sri . K.V. Krishnaswamy Ayyar, Advocate, Madras, applied for a permit on 17-12-1948 to transport rice to Madras from Tanjore District to Madrasfor his personal consumption with a certificate to the effect that he was a registered holder of land S.No. 232/2 of the Kandavattamthidal Village and a declaration in the form laid down in Rule 3 of the Schedule to the order issued in G.O. No. 476, Food, dated 27-5-1948. A permit was issued on the strength of this certificate and this declaration. Subsequently on verification, it was found that there was no such pattadar by name K.V. Krishnaswamy Ayyar and that there was no stock of paddy for him in the village for the transport. The Collector therefore sanctioned his prosecution for an offence under section 417 I.P.C.i.e., cheating by false personation.

Against this order, Sri K.V. Krishnaswamy Ayyar, has petitioned to Government. The main points urged by him in the petition are that he is one of the few top ranking advocates in Madras enjoying a certain status in public life and that there was no intention on his part to cheat the Government. He finally requested that his inadvertance in putting his signature to a paper which contain words which did not describe his then position accurately may be condoned and the case against him may be withdrawn and that any orders may be issued pending the withdrawal of the case. A telegram was issued to the Collector to obtain an adjournment of the case. He was asked to offer his remarks on the petition. The Collector states that the petitioner's statement about affixing his signature to the declaration inadvertently is hardly believable specially when the penalty of giving false information has been laid down in the declaration itself to be a criminal prosecution and that though his intention might not have been to cheat the govt.

it is obvious that the information furnished by him is incorrect.

3. According to G.O. No. 478, Food, dated 27-5-46, a registered holder or a mortgagee with possession of the land can apply for the concession under the G.O. In this case, the applicant was not doubt not a registered holder on 17-12-48 when he made the application. But he was the purchaser of theproperty, the sale deed having been executed he was the pruchaser of the property, the sale deed having been executed on 11-12-1948, that is to say, 6 days in advance of the date when he applied for the permit. Thus, though technically he was not a registered holder on the date of application, he was the real holder or owner of the land. His intention therefore was not to deceive or cheat the authorities though he prematurely called himself the registered holder, according to him, by inadvertence. Further, when the mortgagee of a land with possession is entitled to the concessions in the G.O. it seems too technical to hold that the purchaser of the property under a registered sale deed whoe genuineness has not been questioned should be considered to be in a worse position than a mortgagee. In other words, if instead of a sale deed having been executed on 11-12-48, a mortgage deddwith possessionnad been executed on that date, the applicant would absolutely be within the 4 corners of the G.O. and the fact that the document was a sale deed instead of a mortgage dead should not make his position worse. It is now stated by the applicant that the registry has since been transferred in his name. In view of the foregoing remarks, this Department, consider that the prosecution is far too technical and savours of unnecessary harassment. Home Department have no objectionnk to the withdrawal of the ouse, if its is considered that the prosecution will not serve the ends of justice. They also suggest that neces ary instructions may be to the Civil Supplies staff and the Revenue Department so that they may avoid such petty and meaningless prosecutions in future.

4. The file may be circulated to H.M. (Food), H.M. (E.& L) and H.Pr for orders whether the case may be withdrawn.

5. After orders are passed the question of issuing instructions as suggested by Home will be examined in consultation with legal on the point whether executive instructions will do in this case or whether the G.O. at U requires any amendment.

V.V
4-7-49

H.M. Food,
H.M. (E. &L)
H. Pr.

H.A.K
4-7-49

J.P.R.V.

K.M.H.

To A.S.

With reference to the orders in circulation on p.6. ante a draft memo. to the District Magistrat, Tanjore is submitted below for approval.

After issue the file may be sent to legal for a advise with reference to 'B' at (p.3. ante).

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Legal Department.

'B' on p.3. ante:- Executive instructions would appear to be sufficient. If the word 'Owner' is substituted in place of 'Registered holder' cases like the present will be covered. Or, the following alternative may also be embodied in the form of certificate:-

'that I have purchase the land from the registered holder and have duly applied for its being registered in my name as the holder thereof'.

Any other modification of the form of certificate in paragraph 3 of the schedule to the order might lead to further and unexpected complications.

15-7-49.

A is more specific, and I therefore prefer it.

Legal U.O. 8925/49-A d/15.7.

Food Department (d)

Hence take relevant extracts regarding the pending question of prevention of petty and technical prosecutions fr from this file, start a separate file and put up with necessary drafts.

VRK

Compared by
K. Shankar : 25/8/53
K.V. Ambalavaner 25/8/53

Note for circulation.

Sri K.V. Krishnaswamy Ayyar, Advocate, Madras applied for a permit on 17--12-1948 to transport rice to Madras from Tanjore district for his personal consumption with a certificate to the effec t that he was a registered holder of land S.No. 232/2 of the Kandavattamthidal village and a declaration inthe form laid down in Rule 3 of the Schedule to the Order issue in G.O. No. 478, Food, Dated 27--5-1948. A permit was issued on the strength of this certificate and this declaration. Subsequently on verification, it was found that there was no such pattadar by name K.V. Krishnaswamy Ayyar and that there was no stock of paddy for him in the village for the transport. The Collector therefore sanctioned his prosecution for an offense under section 417, I.P.C. i.e. cheating by false personation. Against this Sri K.V. Krishnaswamy Ayyar requested that his inadvertance in putting his signature to appear which contains words which did not describe his then position accurately on 17--12--1949 when he made the application may be condoned and that orders may be issued for withdrawing the prosecution pending against him. According to G.O. No. 478, Food, dated 27--5--1948 a registered holder or a mortgagee with possession of the land can apply for the concession under the G.O. In this case, the applicant was no doubt not a registered holder on 17--12-1948 when he made the application. But he was the purchaser of the - the sale deed having been executed on 11-12 to say, 6 days in advance of the - for the permit. This th- not a registered holder on the date of application he was the real holder or owner of the land. His intention therefore was not to deceive or cheat the authorities thoug he permaturely ~~mxxxx~~ called himself, the registered holder, according to him, by inadvertence. Further, when the mortgagee of a land with possession is

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Home department suggested in this connection that necessary insturctions to the Civil Supplies Staff under the revenue department may be issued in order to avoid such petty prosecutions in the future. Accordingly G.O. No. 476, Food, dated 27--5-48 was amended in G.O. No. 6 Food and Agriculture, dated 3-1-50. The latter G.O. at pp.37-39 c.f. may kindly be perused. According to these amendments, even the purchaser of a land under a registered deed of sale who has duly applied for a transfer of registry will be eligible for a permit. The case may be circulated to H.M (Food) for the perusal of the G.O. on pp.37-39 containing the amendments.

(TRUE COPY)

27-5-53

Superintendent.

V?N. Murthy.

Compared by ..
K. Shankar 2575/53
K.V. Ambujalakshmi 2575/53